

4-506. Scheduling order.

[For use with Rules 2-106, 3-106 NMRA in the Magistrate and Metropolitan Courts]

STATE OF NEW MEXICO

COUNTY OF _____
_____ COURT

_____, Plaintiff

v.

No. _____

_____, Defendant

SCHEDULING ORDER¹

The parties shall comply with the following scheduling order:

1. Motions to amend the pleadings or to join parties must be filed by _____
_____ (date)².
2. Motions addressed to the pleadings must be filed by _____ (date).
3. Any permitted discovery must be completed by _____ (date).
4. All motions must be filed by _____ (date).
5. The plaintiff shall disclose to the defendant a witness list including the names, addresses and telephone numbers of their witnesses along with a summary of the testimony of each witness by _____ (date).
6. The defendant shall disclose to the plaintiff a witness list including the names, addresses and telephone numbers of their witnesses along with a summary of the testimony of each witness

by _____ (*date*).

7. The plaintiff shall make all of plaintiff's exhibits available to each defendant for inspection or copying no later than _____ (*date*).

8. The defendant shall make all of defendant's exhibits available to each plaintiff for inspection or copying no later than _____ (*date*).

9. [Proposed jury instructions shall be submitted to the court by _____
_____ (*date*).]³

[Proposed findings of fact and conclusions of law shall be submitted to the court by
_____ (*date*).]

10. Any party may request a pretrial conference by filing a written request stating the purpose of the conference. The parties shall advise the court promptly if the case is settled.

[A settlement conference is scheduled on _____ (*date*).]

[A motion hearing will be held on _____ (*date*).]

[A pretrial conference will be held on _____ (*date*).]

When this order states that a document shall be submitted by a certain date, it must be received by the recipient by that date. Dates may be changed only by the court.

This matter is set for [jury] [non-jury] trial on _____ (*date*).

If it is brought to the attention of the court that a party has failed to comply with this order, the court may:

order such party to permit the discovery or inspection of materials not previously disclosed; grant

a continuance; prohibit the party from calling a witness not disclosed; prohibit the party from introducing in evidence the material not disclosed; or enter such other order as it deems appropriate under the circumstances, including but not limited to holding an attorney or party in contempt of court.

Failure to comply with any provision of this order, may result in a finding of contempt of court and punished by fine or imprisonment.

Judge

Date of signature

USE NOTE

1. This form may be adapted to local practice. For example, the court may want to require settlement conferences or pretrial conferences, or may schedule docket calls, etc. Dates should be in consecutive order.
2. Dates should be calendar dates, not "___ days after entry of this order", or "___ days before trial".
3. The alternatives in this paragraph may be used only if a party is represented by an attorney.

[Approved, effective December 17, 2001.]